Remarks

<u>Introduction</u>

Claims 1-16, 18-36, 38-56, 58-75, and 77-83 were pending in the above-identified patent application.

In the Office Action, claims 1, 2, 4, 5, 7, 18-22, 24, 25, 27, 38-42, 44, 45, 47, 58-62, 64, 65, 67, and 78-83 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shah-Nazaroff et al. U.S. Patent No. 6,157,377 ("Shah-Nazaroff").

Claims 3, 23, 43, and 63 were rejected under 35 U.S.C. § 103(a) as being obvious from Shah-Nazaroff in view of Hofmann U.S. Patent No. 5,883,677 ("Hofmann").

Claims 6, 26, 46, and 66 were rejected under 35 U.S.C. § 103(a) as being obvious from Shah-Nazaroff in view of Matthews III et al. U.S. Patent No. 5,815,145 ("Matthews").

Claims 8, 9, 13, 28, 29, 33, 48, 49, 53, 68, 69, and 73 were rejected under 35 U.S.C. § 103(a) as being obvious from Shah-Nazaroff in view of Banker U.S. Patent No. 5,485,221 ("Banker").

Claims 10, 30, 50, and 70 were rejected under 35 U.S.C. § 103(a) as being obvious from Shah-Nazaroff in view of Lett U.S. Patent No. 5,771,064 ("Lett").

Claims 11, 12, 31, 32, 51, 52, 71 and 72 were rejected under 35 U.S.C. § 103(a) as being obvious from Shah-Nazaroff in view of Lewis U.S. Patent Application No. 2003/0040962 ("Lewis").

Claims 14, 15, 34, 35, 54, 55, 74, and 75 were rejected under 35 U.S.C § 103(a) as being obvious from Shah-Nazaroff in view of Aristides U.S. Patent No. 5,630,119 ("Aristides").

Claims 16, 36, and 56 were rejected under 35 U.S.C § 103(a) as being obvious from Shah-Nazaroff et al. in view of Rosin U.S. Patent No. 6,028,600 ("Rosin").

Claim 77 was rejected under 35 U.S.C § 103(a) as being obvious from Shah-Nazaroff in view of Hooper U.S. Patent No. 5,414,455 ("Hooper").

The claim rejections were upheld in the Notice of Panel Decision from Pre-Appeal Brief Review.

<u>Summary of Applicant's Reply</u>

Applicant has amended claims 1, 14, 19, 21, 34, 39, 41, 54, 59, 61, 73 and 78 and added new claims 84-95 to more particularly define the claimed invention. The claim amendments and new claims are fully supported by the application as originally filed and therefore do not add new matter (*see*, e.g., page 26, lines 16-27 of applicant's specification). The Examiner's rejections are respectfully traversed.

<u>Applicant's Reply</u>

<u>Claims 1-16, 18-36, 38-56, 58-75, and 77-83</u>

Applicant's invention, as defined by amended independent claims 1, 21, 41 and 61, is directed to retrieving on-demand media data and non-on-demand data for use in an interactive television application system. Non-on-demand media data and a plurality of on-demand media data is provided by separate data sources. A broadcast of the non-on-demand media data is received from the non-on-demand media data source. A set of on-demand media data that corresponds to some of the plurality of on-demand media data necessary for retrieval is identified at the user equipment. In response to identifying the on-demand media data necessary for retrieval, a client-server connection between the interactive television application system and the on-demand media data source is automatically initiated at the user equipment. The on-demand media data corresponding to the identified set is automatically retrieved from the on-demand media data source through the client-server connection and stored in memory on the user television equipment.

Shah-Nazaroff refers to a client system that "automatically receives updated programming information from broadcast sources over the Internet on a daily basis" (*see* col. 4, lines 4-7 of Shah-Nazaroff). However, Shah-Nazaroff does not show or suggest that the client system identifies which programming information needs to be retrieved by the client system. Rather, the client system merely receives whichever updated programming information is sent by the broadcast sources without controlling which updated programming information is received. Thus, Shah-Nazaroff does not show or suggest identifying at the client system (i.e., the alleged user equipment) a set of on-demand media data that corresponds to some of the plurality of on-demand media data necessary for retrieval, as recited by amended independent claims 1, 21, 41 and 61.

Additionally, Shah-Nazaroff does not show or suggest that the client system automatically initiates a connection in response to identifying on-demand media data necessary for

retrieval. This is because in Shah-Nazaroff, the broadcast sources connect with the client system when updated programming information is available at the broadcast sources. Since Shah-Nazaroff does not disclose any means for the client system to know when updated programming information is available at the broadcast sources, one must necessarily conclude that it is the broadcast sources, and not the client system, that initiate the connection between the broadcast sources and the client system. Moreover, Shah-Nazaroff fails to disclose any means for the client system to determine which programming information need to be updated and to initiate a connection with broadcast sources in response to the determination. Therefore, even assuming, *arguendo*, that the client system could initiate any connection with the broadcast sources, it would be to simply receive updated programming information that may exist, but not in response to identifying programming information that is necessary for retrieval. Thus, Shah-Nazaroff does not show or suggest the automatic initiation of a connection by the client system (i.e., the alleged user equipment) in response to the client system identifying on-demand media data necessary for retrieval, as recited by amended independent claims 1, 21, 41 and 61.

It is axiomatic that for a reference to anticipate a claim, it must necessarily show each and every element of the claim. However, as demonstrated above, Shah-Nazaroff fails to show "identifying, at the user equipment, a set of on-demand media data that corresponds to some of the plurality of on-demand media data necessary for retrieval" or "automatically initiating, at the user equipment, a client-server connection between the interactive television application system and the on-demand media data source in response to the identifying of on-demand media data necessary for retrieval," as recited by amended independent claims 1, 21, 41 and 61. Furthermore, Hofmann, Matthews, Banker, Lett, Lewis, Aristides, Rosin and Hooper, which the Examiner uses in the rejection of other elements of applicant's dependent claims, do not make up for the deficiencies of Shah-Nazaroff relative to the rejection.

For at least these reasons, applicant respectfully submits that amended independent claims 1, 21, 41 and 61, and dependent claims 2-16, 18-20, 22-36, 38-40, 42-56, 58-60, 62-75, and 77-83, which depend variously from independent claims 1, 21, 41 and 61 are allowable over the art of record. Applicant therefore respectfully requests that the rejections of claims 2-16, 18-20, 22-36, 38-40, 42-56, 58-60, 62-75, and 77-83 be withdrawn.

<u>New claims 84-95</u>

New claims 84, 87, 90 and 93 further recite that identifying the set of on-demand media data is "based on a viewing history stored on the user television equipment." Shah-Nazaroff does not show or suggest identifying updated programming information to be received at the client system based on a viewing history that is stored at the client system. Instead, since the updated programming information is simply provided daily by the broadcast sources, the updated programming information is sent based on outdated programming information at the client system. Thus, Shah-Nazaroff does not show or suggest the feature recited in new claims 84, 87, 90 and 93. Furthermore, Hofmann, Matthews, Banker, Lett, Lewis, Aristides, Rosin and Hooper do not make up for this deficiency of Shah-Nazaroff. Therefore, new claims 84, 87, 90 and 93 are allowable over the prior art of record. Moreover, since new claims 84, 87, 90 and 93 depend variously from allowable independent claims 1, 21, 41 and 61, new claims 84, 87, 90 and 93 are allowable over the prior art of record at least for the same reasons that independent claims 1, 21, 41 and 61 are allowable, as detailed above.

New claims 85, 88, 91 and 94 further recite that "the viewing history comprises at least one of on-demand media data that is commonly accessed by a user, on-demand media data that is likely to be accessed by the user and on-demand media data that is popular among a plurality of users." New claims 86, 89, 92 and 95 further recite that " the viewing history is generated based on monitored user activity." Since new claims 85, 86, 88, 89, 91, 92, 94 and 95 depend variously from allowable independent claims 1, 21, 41 and 61, new claims 85, 86, 88, 89, 91, 92, 94 and 95 are allowable over the prior art of record at least for the same reasons that independent claims 1, 21, 41 and 61 are allowable, as detailed above. Furthermore, new claims 85, 86, 88, 89, 91, 92, 94 and 95 are allowable over the prior art of record because none of the cited references disclose the features recited in new claims 85, 86, 88, 89, 91, 92, 94 and 95.

Conclusion

For at least the reasons set forth above, applicant respectfully submits that this application is in condition for allowance. Reconsideration of claims 1-16, 18-36, 38-56, 58-75, and 77-95 in light of the foregoing remarks is respectfully requested.

Respectfully submitted,

/Baaba Andam/

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